

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

AMANCIO ABURTO-GAMINO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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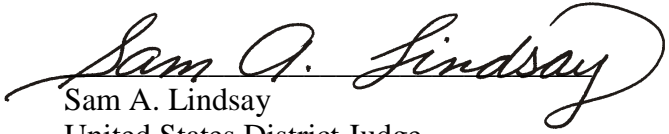
Civil Action No. **3:17-CV-3176-L-BH**
Criminal Case No. 3:13-CR-193-L(01)

ORDER

On November 21, 2017, United States Magistrate Judge Irma Carrillo Ramirez entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court deem as successive the habeas petition filed by Petitioner in this case and transfer it to the United States Court of Appeals for the Fifth Circuit. *See* 28 U.S.C. § 2244(b)(3). Petitioner filed objections to the Report, but the objections do not address the magistrate judge’s specific reasons for finding the habeas petition in this case to be successive.

When a petition is deemed successive, the district court lacks subject matter jurisdiction unless a panel of the Fifth Circuit allows the successive petition to proceed. After reviewing the pleadings, file, record in this case, and Report, and having conducted a de novo review of that portion of the Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **concludes** that Petitioner’s habeas petition is successive, **directs** the clerk of the court to **transfer** the petition to the Fifth Circuit for consideration, and **overrules** Petitioner’s objections.

It is so ordered this 22nd day of December, 2017.


Sam A. Lindsay
United States District Judge